

application. Ickes did not, according to O'Connor, instruct her to provide the information she had obtained to Fowler, nor, by her recollection, did she tell Fowler anything more than that the application would be decided soon, and that she could tell him nothing else. O'Connor wrote in her memo to Ickes that the information was not in the public realm, and therefore had to be kept confidential. Yet, in her first interview concerning the Hudson matter, Jennifer O'Connor told Justice Department lawyers and the FBI that, in fact, she likely told Fowler that the application would probably be decided in about a week, and that he could not tell anyone because the decision had not yet been made.<sup>326</sup> Ickes has stated he had no interest in the Hudson matter or receiving information about it, apart from the requests he had received.

Sibbison has no recollection of what O'Connor said about the purpose of her call, but she believes it was a request for status information. She recalls O'Connor did not advocate for any particular position and did not say on whose behalf she was calling. Sibbison confirmed that the reasons for denial recounted in the O'Connor memo are correct. She said she thinks it was true that the Minnesota delegation opposed it, but said that was not a matter of discussion on May 17 and "wasn't a factor in the decisionmaking."<sup>327</sup>

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<sup>326</sup>This latter statement is consistent with the fact that it was Fowler who requested action on the matter and who, as O'Connor recalls it, phoned her directly with a desire to provide information to a group with which he was dealing. Moreover, while O'Connor wrote in her memo to Ickes that the information was confidential, the placement of that restriction in the memo suggests that it may have applied only with respect to the reasons underlying Interior's preliminary decision, not as to the fact that the preliminary decision was to deny the application.

<sup>327</sup>Grand Jury Testimony of Heather Sibbison, June 18, 1999, at 129.